

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

PHILLIP FOSTER, on behalf of himself)
and all others similarly situated,)

Plaintiff,)

v.)

M5 HOSPITALITY GROUP, LLC d/b/a)
GOOD TIME CHARLEY’S and)
PETE LLOYD, individually,)

Defendants.)

C/A: 4:14-cv-04517-RBH

**ORDER
TO STAY ACTION
AND
TOLL STATUTE OF LIMITATIONS**

This matter came before the court on the joint motion of Plaintiff, Phillip Foster, on behalf of himself and all others similarly situated, and all of the filed Opt-Ins to date (all jointly “Plaintiffs”) and Defendants M5 Hospitality Group, LLC d/b/a Good Time Charley’s (“GTC”) and Pete Lloyd (“Lloyd”) (collectively “Defendants”), pursuant to FRCP 16, for an Order to stay the action through December 1, 2015, to allow the parties an opportunity to attempt to resolve this action. The parties request a temporary stay on all deadlines, including responses to court requested items. If the Parties are unable to resolve this action by December 1, they will submit a revised scheduling order to the court.

In addition, the Parties request that this court toll the statute of limitations for all Putative Class Members, as defined in Plaintiffs’ Motion for Certification (ECF 48), from October 7, 2015 through December 1, 2015. This Joint Motion does not prejudice the Parties in relation to Plaintiffs’ Motion for Equitable Tolling (ECF 49).

Thus, it is ordered that this action and all deadlines are stayed through December 1, 2015. It is also ordered that the statute of limitations for all Putative Class Members, as defined in

Order to Stay Action and Toll Statute of Limitations
C/A: 4:14-cv-04517-RBH

Plaintiffs' Motion for Certification (ECF 48), is tolled from October 7, 2015 through December 1, 2015. This Order does not prejudice the Parties in relation to Plaintiffs' Motion for Equitable Tolling (ECF 49).

If the Parties are unable to resolve this action by December 1, they are to submit a proposed, revised Scheduling Order to this court by December 8.

IT IS SO ORDERED!

October 13, 2015
Florence, South Carolina

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge